The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte KUO-FEN LEE, WYLIE W. VALE, TRACY L. BALE, and GEORGE W. SMITH

Application No. 2005-1434 Application No. 09/714,692 MAILED

AUG 1 6 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## ORDER REMANDING TO THE EXAMINER

On October 18, 2004, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 1.192(c). On July 7, 2005, appellants submitted an Appeal Brief correcting the Appendices under the rules set forth in 37 CFR § 41.37(c) effective September 13, 2004.

However, the Examiner's Answer filed on January 11, 2005 does not comply with the new rules effective September 13, 2004.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

Application No. 09/714,692

- (1) consider the Appeal Brief, vacate the Examiner's Answer mailed January 11,2005 and issue a revised Examiner's Answer in compliance with the new rules;
- (2) have a complete copy of any subsequent Examiner's Answer scanned into the record; and
  - (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

Craig R. Feinberg

Program and Resource Administrator

(571) 272-9797

David L. Parker Fulbright & Jaworski, LLP 600 Congress Avenue - Suite 2400 Austin, TX 78701

dem